

Introduced by Senator Morrow
(Principal coauthor: Assembly Member McCarthy)

January 25, 2006

An act to amend Sections 17071.30 and 17089.2 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1203, as introduced, Morrow. School facilities: portable classrooms.

(1) Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. Existing law provides that eligibility for funding under these provisions is, in part, determined by calculating the existing school building capacity of a school district, and provides that certain portable classrooms are excluded from that capacity.

This bill would require portable classrooms for which the plans for construction were originally approved under any provision of law by the Department of General Services, as provided, 20 or more years prior to the date of application for funding under the act to be excluded from existing school building capacity.

(2) Existing law authorizes any portable classroom that is leased from the State Allocation Board by a school district or county superintendent of schools under the State Relocatable Classroom Law of 1979 on or prior to December 1, 1991, to be purchased by that district or county superintendent of schools for an amount equal to the purchase price paid by the board less the amount of any rent already paid to the board by the district or county superintendent of schools.

This bill would delete the date specified in existing law by which the portable classroom was to have been leased and would also provide that a charter school may purchase a leased portable classroom from the State Allocation Board if the school district or county superintendent of schools declines to purchase the portable classroom.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17071.30 of the Education Code is
2 amended to read:

3 17071.30. For purposes of determining the existing school
4 building capacity, each applicant school district shall include each
5 portable classroom, whether owned or leased, except as otherwise
6 provided in subdivision (a) or (b).

7 (a) (1) Portable classrooms *owned or leased* pursuant to Chapter
8 14 (commencing with Section 17085) shall be excluded from the
9 existing school building capacity. ~~Portable classrooms obtained~~
10 ~~by an applicant district pursuant to subdivision (b) of Section~~
11 ~~17088.5 shall be excluded from the existing school building~~
12 ~~capacity, except as to any portable classroom or classrooms for~~
13 ~~which the district rejected the board's offer to purchase pursuant~~
14 ~~to that subdivision. Portable~~

15 (2) *Portable classrooms leased under any provision of law for*
16 *a period of less than five years prior to the date of application for*
17 *funding shall not be included in excluded from the existing school*
18 *building capacity.*

19 (3) *Portable classrooms for which the plans for construction*
20 *were originally approved under any provision of law by the*
21 *department pursuant to the Field Act, as defined in Section 17281,*
22 *20 or more years prior to the date of application for funding shall*
23 *be excluded from the existing school building capacity.*

24 (b) The number of portable classrooms, reduced by the number
25 of portable classrooms used as interim housing for modernization
26 projects, that exceed 25 percent of the number of permanent
27 classrooms available to the district shall ~~not be included in excluded~~
28 *from the existing building capacity.*

29 SEC. 2. Section 17089.2 of the Education Code is amended to
30 read:

1 17089.2. Any portable classroom that is leased from the board
2 by a school district or county superintendent of schools under this
3 chapter ~~on or prior to December 1, 1991~~, may be purchased by
4 that district or county superintendent of schools, *or a charter school*
5 *if the school district or county superintendent of schools declines*
6 *to purchase the portable classroom*, for an amount equal to the
7 purchase price paid by the board, including the purchase costs
8 specified in subdivision (c) of Section 17088.7, less the amount
9 of any rent already paid to the board by the district or county
10 superintendent of schools for that classroom. Payment for
11 purchases made pursuant to this section shall be in equal annual
12 installments for an agreed upon term not to exceed nine years.

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